

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

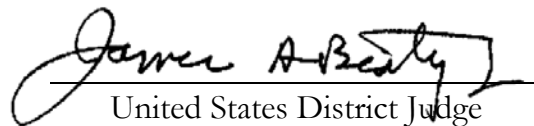
ROBERT ANTHONY EBERHART,)	
)	
Petitioner,)	
)	
v.)	1:13CV851
)	1:04CR392-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On September 21, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections [Doc. #76] to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [Doc. #74], which is affirmed and adopted.

IT IS THEREFORE ORDERED that Respondent's Motion to Dismiss [Doc. #67] is GRANTED, Petitioner's Motion to vacate, set aside or correct sentence, as amended, [Doc. #55] is DISMISSED, and this action is DISMISSED, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This, the 2nd day of November, 2015.


United States District Judge